

SECOND REGULAR SESSION

HOUSE BILL NO. 2938

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DAVIDSON.

5748H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 168.021, RSMo, and to enact in lieu thereof three new sections relating to education reform.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 168.021, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 160.519, 168.021, and 168.029, to read as follows:

- 160.519. 1. There is hereby created within the Missouri department of elementary and secondary education the "Missouri Earned Autonomy Schools Waivers Advisory Council". The advisory council shall consist of three members of the house of representatives, with two appointed by the speaker of the house of representatives and one appointed by the minority floor leader of the house of representatives; three members of the senate, with two appointed by the president pro tempore of the senate and one appointed by the minority floor leader of the senate; and members appointed by the governor to represent the following:**
- (1) School boards;**
 - (2) School superintendents;**
 - (3) Elementary and secondary school building principals;**
 - (4) Teachers;**
 - (5) Special education educators;**
 - (6) Parents of elementary school-age pupils;**
 - (7) Parents of secondary school-age pupils;**
 - (8) Professionals with expertise in school performance assessments; and**
 - (9) Professionals with expertise in educational assessment data analysis.**

EXPLANATION — Matter enclosed in bold-faced brackets ~~[thus]~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **2. (1) The advisory council shall develop a school performance review to**
19 **calculate eligibility for waivers of applicable state rules and regulations to provide**
20 **maximum flexibility for local school districts to determine the degree to which students**
21 **in the school districts of the state are proficient in the knowledge, skills, and**
22 **competencies adopted by the state board of education under section 160.514. The school**
23 **performance review shall assess the following academic and community components for**
24 **each school district, as determined by the advisory council:**

- 25 **(a) Academic performance;**
- 26 **(b) Academic growth;**
- 27 **(c) Academic teacher score;**
- 28 **(d) Community teacher survey;**
- 29 **(e) Community parent survey; and**
- 30 **(f) School district resident satisfaction.**

31 **(2) The significance of each academic and community component shall be**
32 **weighted on a one-hundred-point scale as follows:**

- 33 **(a) Academic performance, twenty-five points;**
- 34 **(b) Academic growth, twenty-five points;**
- 35 **(c) Academic teacher score, twenty points;**
- 36 **(d) Community teacher survey, ten points;**
- 37 **(e) Community parent survey, ten points; and**
- 38 **(f) School district resident satisfaction, ten points.**

39 **(3) A school district with an assessment of:**

40 **(a) At least ninety on the one-hundred-point scale for three consecutive school**
41 **years shall be designated as an "A" level school district and be eligible for earned**
42 **autonomy schools waivers under this section;**

43 **(b) Lower than ninety but at least eighty on the one-hundred-point scale for**
44 **three consecutive school years shall be designated as a "B" level school district and shall**
45 **be eligible for expanded autonomy measures listed in subsection 3 of this section;**

46 **(c) Lower than eighty but at least seventy on the one-hundred-point scale for**
47 **three consecutive school years shall be designated as a "C" level school district and shall**
48 **not be eligible for earned autonomy schools waivers under this section or to issue school**
49 **district teaching permits under section 168.029;**

50 **(d) Lower than seventy on the one-hundred-point scale for one school year shall**
51 **be designated as a "D" level school district in need of intervention under sections**
52 **161.1080 to 161.1130, may be designated as unaccredited, and shall not be eligible for**
53 **any waivers provided under state law or to issue school district teaching permits under**
54 **section 168.029; and**

55 (e) Lower than seventy on the one-hundred-point scale for three consecutive
56 school years shall be designated as an "F" level school district, shall be designated as
57 unaccredited, and shall not be eligible for any waivers provided under state law or to
58 issue school district teaching permits under section 168.029.

59 (4) A school district that is designated in a particular level shall:

60 (a) Remain in such level unless the school district:

61 a. Fails to maintain that level's required assessment as described in subdivision
62 (3) of this subsection for two out of three consecutive school years; or

63 b. Maintains the assessment required to ascend to a higher level as described in
64 subdivision (3) of this subsection; and

65 (b) Not be required to descend more than one level at a time if the school district
66 scores assessments that require the school district to descend to a lower level.

67 3. A school district designated as a "B" level school district under subsection 2 of
68 this section may:

69 (1) Be granted waivers from all Missouri school improvement plan provisions
70 and from all comprehensive school improvement plan provisions;

71 (2) Notwithstanding any provision of subsection 2 of section 171.031 to the
72 contrary, set an opening date as determined by the school board;

73 (3) Be exempt from state law and rules promulgated under state law relating to
74 class sizes for grade-level and program standards;

75 (4) Be exempt from section 167.645 and rules promulgated under such section
76 relating to reading assessments and required reading instruction; and

77 (5) Issue a school district teaching permit under section 168.029, except that the
78 percentage of a school district's teachers issued a teaching permit under section 168.029
79 and employed by the "B" level school district shall not exceed twenty percent of the total
80 number of teachers employed by the school district. This subdivision shall not be
81 construed to require a "B" level school district that is redesignated as a "C" level, "D"
82 level, or "F" level to eliminate teacher positions created in compliance with section
83 168.029.

84 4. The state board of education shall suggest but not mandate criteria for a
85 school district to demonstrate that its pupils learn the knowledge, skills, and
86 competencies at "A" level school district levels worthy of imitation by pupils in other
87 school districts in the state and nation. "A" level school district levels shall be measured
88 by the school performance review developed under this section. Notwithstanding any
89 other provision of law to the contrary, upon request of a school district, the
90 commissioner of education may present a plan for the waiver of state rules and
91 regulations to such school district, to be known as "Earned Autonomy Schools

92 **Waivers", consistent with the provisions of this section. Such waivers shall be available**
93 **in addition to other similar waivers provided in state law.**

94 **5. (1) For a school district that meets the school performance review criteria to**
95 **be designated as an "A" level school district under this section, before August first**
96 **following the third such school year, the superintendent of the school district shall**
97 **present a plan to the school board for the waiver of applicable state rules and**
98 **regulations to promote flexibility in the operations of the school district and to enhance**
99 **and encourage efficiency in the delivery of instructional services.**

100 **(2) No provision of this section shall be construed to provide waivers for any**
101 **requirements imposed on such school district under federal law.**

102 **(3) A waiver provided to a school district as provided in this subsection shall be**
103 **void on June thirtieth of any school year in which the school district fails to maintain the**
104 **designation of "A" level school district consistent with the requirements of this section.**

105 **6. (1) The school district resident satisfaction component of the school**
106 **performance review shall be determined by the registered voters of each school district**
107 **at a biennial election as provided in this subsection.**

108 **(2) The election authority with jurisdiction over each school district shall submit**
109 **the question of whether the registered voters of such school district approve of the**
110 **school district's academic performance on each general election day, as established in**
111 **section 115.121.**

112 **(3) The question submitted shall be in substantially the following form: "Do you**
113 **approve of your school district's academic performance?"**

114 **(4) If a majority of the registered voters of the school district voting on the**
115 **question approve of the school district's academic performance, the school district shall**
116 **receive ten points for the school district resident satisfaction component of the school**
117 **performance review. If a majority of the registered voters of the school district voting**
118 **on the question disapprove of the school district's academic performance, the school**
119 **district shall receive no points for the school district resident satisfaction component of**
120 **the school performance review.**

121 **7. No charter school shall be eligible for earned autonomy schools waivers under**
122 **this section.**

168.021. 1. Certificates of license to teach in the public schools of the state shall be
2 granted as follows:

3 (1) By the state board, under rules and regulations prescribed by it:

4 (a) Upon the basis of college credit;

5 (b) Upon the basis of examination;

6 (2) By the state board, under rules and regulations prescribed by the state board with
7 advice from the advisory council established by section 168.015 to any individual who
8 presents to the state board a valid doctoral degree from an accredited institution of higher
9 education accredited by a regional accrediting association such as North Central Association.
10 Such certificate shall be limited to the major area of postgraduate study of the holder, shall be
11 issued only after successful completion of the examination required for graduation pursuant
12 to rules adopted by the state board of education, and shall be restricted to those certificates
13 established pursuant to subdivision (2) of subsection 3 of this section;

14 (3) By the state board, which shall issue the professional certificate classification in
15 both the general and specialized areas most closely aligned with the current areas of
16 certification approved by the state board, commensurate with the years of teaching experience
17 of the applicant, and based upon the following criteria:

18 (a) Recommendation of a state-approved baccalaureate-level teacher preparation
19 program;

20 (b) a. Successful attainment of the Missouri qualifying score on the exit assessment
21 for teachers or administrators designated by the state board of education;

22 b. (i) Applicants who have not successfully achieved a qualifying score on the
23 designated examinations will be issued a two-year nonrenewable provisional certificate;

24 (ii) During the two-year nonrenewable provisional certification, an individual teacher
25 may gain full professional certification by:

26 i. Achieving a qualifying score on the designated exam; or

27 ii. Successfully achieving an acceptable score on the state-approved teacher
28 evaluation system from seven walk-through evaluations, two formative evaluations, and one
29 summative evaluation for each of the two probationary years and being offered a third
30 contract by the employing district. For any applicant who has a change in job status because
31 of a reduction in the workforce or a change in life circumstances, the scores required under
32 this item may be scores achieved in any school district during the two-year nonrenewable
33 provisional certification period; and

34 (iii) The employing school district shall recommend to the department of elementary
35 and secondary education that the individual teacher be awarded a full professional
36 certification by the state board under rules prescribed by the state board; and

37 (c) Upon completion of a background check as prescribed in section 168.133 and
38 possession of a valid teaching certificate in the state from which the applicant's teacher
39 preparation program was completed;

40 (4) By the state board, under rules prescribed by it, on the basis of a relevant
41 bachelor's degree, or higher degree, and a passing score for the designated exit examination,
42 for individuals whose academic degree and professional experience are suitable to provide a

43 basis for instruction solely in the subject matter of banking or financial responsibility, at the
44 discretion of the state board. Such certificate shall be limited to the major area of study of the
45 holder and shall be restricted to those certificates established under subdivision (2) of
46 subsection 3 of this section. Holders of certificates granted under this subdivision shall be
47 exempt from the teacher tenure act under sections 168.102 to 168.130 and each school district
48 shall have the decision-making authority on whether to hire the holders of such certificates;

49 (5) By the state board, under rules and regulations prescribed by it, on the basis of
50 certification by the American Board for Certification of Teacher Excellence (ABCTE) and
51 verification of ability to work with children as demonstrated by sixty contact hours in any one
52 of the following areas as validated by the school principal: sixty contact hours in the
53 classroom, of which at least forty-five must be teaching; sixty contact hours as a substitute
54 teacher, with at least thirty consecutive hours in the same classroom; sixty contact hours of
55 teaching in a private school; or sixty contact hours of teaching as a paraprofessional, for an
56 initial four-year ABCTE certificate of license to teach, except that such certificate shall not be
57 granted for the areas of early childhood education, or special education. For certification in
58 the area of elementary education, ninety contact hours in the classroom shall be required, of
59 which at least thirty shall be in an elementary classroom. Upon the completion of the
60 following requirements, an applicant shall be eligible to apply for a career continuous
61 professional certificate under subdivision (3) of subsection 3 of this section:

62 (a) Completion of thirty contact hours of professional development within four years,
63 which may include hours spent in class in an appropriate college curriculum;

64 (b) Validated completion of two years of the mentoring program of the American
65 Board for Certification of Teacher Excellence or a district mentoring program approved by
66 the state board of education;

67 (c) Attainment of a successful performance-based teacher evaluation; and

68 (d) Participation in a beginning teacher assistance program; ~~[or]~~

69 (6) (a) By the state board, under rules and regulations prescribed by the board, which
70 shall issue an initial visiting scholars certificate at the discretion of the board, based on the
71 following criteria:

72 a. Verification from the hiring school district that the applicant will be employed as
73 part of a business-education partnership initiative designed to build career pathways systems
74 or employed as part of an initiative designed to fill vacant positions in hard-to-staff public
75 schools or hard-to-fill subject areas for students in a grade or grades not lower than the ninth
76 grade for which the applicant's academic degree or professional experience qualifies the
77 applicant;

78 b. Appropriate and relevant bachelor's degree or higher, occupational license, or
79 industry-recognized credential;

- 80 c. Completion of the application for a one-year visiting scholars certificate; and
81 d. Completion of a background check as prescribed under section 168.133.

82 (b) The initial visiting scholars certificate shall certify the holder of such certificate to
83 teach for one year. An applicant shall be eligible to renew an initial visiting scholars
84 certificate a maximum of two times, based upon the completion of the requirements listed
85 under subparagraphs a., b., and d. of paragraph (a) of this subdivision; completion of
86 professional development required by the school district and school; and attainment of a
87 satisfactory performance-based teacher evaluation; or

88 **(c) By the state board, upon the issuance of a school district teaching permit as**
89 **provided in section 168.029. Any certificate granted under this subdivision shall be**
90 **designated as a school district teaching permit approved by the school district issuing**
91 **the permit under section 168.029.**

92 2. All valid teaching certificates issued pursuant to law or state board policies and
93 regulations prior to September 1, 1988, shall be exempt from the professional development
94 requirements of this section and shall continue in effect until they expire, are revoked or
95 suspended, as provided by law. When such certificates are required to be renewed, the state
96 board or its designee shall grant to each holder of such a certificate the certificate most nearly
97 equivalent to the one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II,
98 or continuous professional certificate shall, upon expiration of such person's current
99 certificate, be issued the appropriate level of certificate based upon the classification system
100 established pursuant to subsection 3 of this section.

101 3. (1) Certificates of license to teach in the public schools of the state shall be based
102 upon minimum requirements prescribed by the state board of education which shall include
103 completion of a background check as prescribed in section 168.133. The state board shall
104 provide for the following levels of professional certification: an initial professional certificate
105 and a career continuous professional certificate.

106 (2) The initial professional certificate shall be issued upon completion of
107 requirements established by the state board of education and shall be valid based upon
108 verification of actual teaching within a specified time period established by the state board of
109 education. The state board shall require holders of the four-year initial professional certificate
110 to:

111 (a) Participate in a mentoring program approved and provided by the district for a
112 minimum of two years;

113 (b) Complete thirty contact hours of professional development, which may include
114 hours spent in class in an appropriate college curriculum, or for holders of a certificate under
115 subdivision (4) of subsection 1 of this section, an amount of professional development in

116 proportion to the certificate holder's hours in the classroom, if the certificate holder is
117 employed less than full time; and

118 (c) Participate in a beginning teacher assistance program.

119 (3) (a) The career continuous professional certificate shall be issued upon
120 verification of completion of four years of teaching under the initial professional certificate
121 and upon verification of the completion of the requirements articulated in paragraphs (a) to
122 (c) of subdivision (2) of this subsection or paragraphs (a) to (d) of subdivision (5) of
123 subsection 1 of this section.

124 (b) The career continuous professional certificate shall be continuous based upon
125 verification of actual employment in an educational position as provided for in state board
126 guidelines and completion of fifteen contact hours of professional development per year
127 which may include hours spent in class in an appropriate college curriculum. Should the
128 possessor of a valid career continuous professional certificate fail, in any given year, to meet
129 the fifteen-hour professional development requirement, the possessor may, within two years,
130 make up the missing hours. In order to make up for missing hours, the possessor shall first
131 complete the fifteen-hour requirement for the current year and then may count hours in excess
132 of the current year requirement as make-up hours. Should the possessor fail to make up the
133 missing hours within two years, the certificate shall become inactive. In order to reactivate
134 the certificate, the possessor shall complete twenty-four contact hours of professional
135 development which may include hours spent in the classroom in an appropriate college
136 curriculum within the six months prior to or after reactivating the possessor's certificate. The
137 requirements of this paragraph shall be monitored and verified by the local school district
138 which employs the holder of the career continuous professional certificate.

139 (c) A holder of a career continuous professional certificate shall be exempt from the
140 professional development contact hour requirements of paragraph (b) of this subdivision if
141 such teacher has a local professional development plan in place within such teacher's school
142 district and meets two of the three following criteria:

143 a. Has ten years of teaching experience as defined by the state board of education;

144 b. Possesses a master's degree; or

145 c. Obtains a rigorous national certification as approved by the state board of
146 education.

147 4. Policies and procedures shall be established by which a teacher who was not
148 retained due to a reduction in force may retain the current level of certification. There shall
149 also be established policies and procedures allowing a teacher who has not been employed in
150 an educational position for three years or more to reactivate the teacher's last level of
151 certification by completing twenty-four contact hours of professional development which

152 may include hours spent in the classroom in an appropriate college curriculum within the six
153 months prior to or after reactivating the teacher's certificate.

154 5. The state board shall, upon completion of a background check as prescribed in
155 section 168.133, issue a professional certificate classification in the areas most closely
156 aligned with an applicant's current areas of certification, commensurate with the years of
157 teaching experience of the applicant, to any person who is hired to teach in a public school in
158 this state and who possesses a valid teaching certificate from another state or certification
159 under subdivision (4) of subsection 1 of this section, provided that the certificate holder shall
160 annually complete the state board's requirements for such level of certification, and shall
161 establish policies by which residents of states other than the state of Missouri may be assessed
162 a fee for a certificate of license to teach in the public schools of Missouri. Such fee shall be in
163 an amount sufficient to recover any or all costs associated with the issuing of a certificate of
164 license to teach. The board shall promulgate rules to authorize the issuance of a provisional
165 certificate of license, which shall be valid for three years and shall allow the holder to assume
166 classroom duties pending the completion of a criminal background check under section
167 168.133, for any applicant who:

168 (1) Is the spouse of a member of the Armed Forces stationed in Missouri;

169 (2) Relocated from another state within one year of the date of application;

170 (3) Underwent a criminal background check in order to be issued a teaching
171 certificate of license from another state; and

172 (4) Otherwise qualifies under this section.

173 6. The state board may assess to holders of an initial professional certificate a fee, to
174 be deposited into the excellence in education fund established pursuant to section 160.268, for
175 the issuance of the career continuous professional certificate. However, such fee shall not
176 exceed the combined costs of issuance and any criminal background check required as a
177 condition of issuance. Applicants for the initial ABCTE certificate shall be responsible for
178 any fees associated with the program leading to the issuance of the certificate, but nothing in
179 this section shall prohibit a district from developing a policy that permits fee reimbursement.

180 7. Any member of the public school retirement system of Missouri who entered
181 covered employment with ten or more years of educational experience in another state or
182 states and held a certificate issued by another state and subsequently worked in a school
183 district covered by the public school retirement system of Missouri for ten or more years who
184 later became certificated in Missouri shall have that certificate dated back to the member's
185 original date of employment in a Missouri public school.

186 8. Within thirty days of receiving an application from a spouse of an active duty
187 member of the Armed Forces of the United States who has been transferred or is scheduled to
188 be transferred to the state of Missouri, or who has been transferred or is scheduled to be

189 transferred to an adjacent state and is or will be domiciled in the state of Missouri, or has
190 moved to the state of Missouri on a permanent change-of-station basis and has successfully
191 completed the background check described under subsection 5 of this section and section
192 168.133, the state board shall issue to such applicant a full certificate of license to teach,
193 provided that the applicant has paid all necessary fees and has otherwise met all requirements
194 to be issued such a certificate.

**168.029. 1. As provided in this section, a school district may issue a school
2 district teaching permit to an individual who does not hold a teaching certificate issued
3 by the state board of education.**

**4 2. (1) A school district may employ any individual to whom the district issues a
5 school district teaching permit.**

**6 (2) A school district that issues a school district teaching permit under this
7 section shall develop a policy listing the qualifications an individual shall meet to be
8 eligible for the teaching permit. The qualifications required in the school district's
9 policy shall include, but not be limited to:**

10 (a) Attainment of an associate's degree; and

11 (b) Completion of a background check as required in section 168.133.

**12 (3) Immediately after employing an individual under this section, the school
13 district shall send to the state board of education a written statement identifying the
14 individual, the individual's qualifications as a teacher, and the subject or class the
15 individual will teach.**

**16 3. No individual authorized to teach under this section shall be authorized to
17 teach in another school district unless the other district issues teaching permits under
18 this section and recognizes the issuing district's teaching permit. A teaching permit
19 issued under this section shall be valid in the school district issuing the teaching permit
20 and in any school district recognizing the teaching permit as provided in this section. A
21 teaching permit issued under this section shall remain valid unless the issuing district
22 revokes the teaching permit for cause.**

**23 4. The percentage of a school district's teachers issued a teaching permit under
24 this section and employed by the school district shall not exceed twenty-five percent of
25 the total number of teachers employed by the school district.**

**26 5. An individual issued a teaching permit under this section shall be issued a
27 teaching certificate by the state board of education as provided in subdivision (7) of
28 subsection 1 of section 168.021. An individual issued a teaching permit under this
29 section may be issued a teaching certificate by the state board of education under the
30 applicable provisions of subdivisions (1) to (6) of subsection 1 of section 168.021 if the**

31 **individual has taught with a teaching permit issued under this section for at least four**
32 **years and meets the qualifications established in chapter 168.**

33 **6. No school district issuing teaching permits under this section shall be deemed**
34 **a teacher training institution or teacher education program for purposes of section**
35 **161.097.**

36 **7. An individual issued a teaching permit under this section shall be deemed a**
37 **teacher for purposes of minimum salary requirements in section 163.172, the teacher**
38 **tenure act in sections 168.102 to 168.130, and the public school retirement system of**
39 **Missouri created in sections 169.010 to 169.141.**

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